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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**SAMI ROTHERY,**

**CASE NO. CV-04-312-ST**

Plaintiffs,

vs.

**EQUIFAX CREDIT INFORMATION SERVICES, INC.**, a foreign corporation; **TRANS UNION, LLC**, a foreign limited liability company; **EXPERIAN INFORMATION SOLUTIONS, INC.**, a foreign corporation,

Defendants.

**SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MOTION FOR PARTIAL SUMMARY ADJUDICATION OF INDIVIDUAL CLAIMS**

By Defendant Trans Union LLC

[Fed. R. Civ. Proc. 56]

Action Filed: 03/03/2004

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## STATEMENT OF UNDISPUTED FACTS

<b>UNDISPUTED MATERIAL FACTS</b>	<b>SUPPORTING EVIDENCE</b>
1. Trans Union LLC is a national credit reporting agency that provides consumer credit reports to subscribers who use the information to make credit-related decisions.	Nicodemus Decl. at ¶2.
2. Trans Union is one of three national credit reporting agencies along with Equifax Credit Information Services, Inc. (“Equifax”) and Experian Information Solutions, Inc. (Experian”).	Nicodemus Decl. at ¶2.
3. Trans Union collects commercial information from its subscribers and includes this information on credit reports.	Nicodemus Decl. at ¶4.
4. Subscribers report credit information concerning individual consumers to Trans Union (“tradelines”).	Nicodemus Decl. at ¶4.
5. When reporting this credit information, the credit grantor includes the consumer’s identifying information associated with that particular tradeline.	Nicodemus Decl. at ¶4.

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
6. Trans Union stores credit tradelines and public record information in connection with the consumer's identifying information in Trans Union's database.	Nicodemus Decl. at ¶4.
7. When a customer or subscriber of Trans Union requests a consumer's credit report, it supplies identifying information concerning that consumer to Trans Union.	Nicodemus Decl. at ¶5.
8. Trans Union inputs the consumer's identifying information into its database and all of the tradelines corresponding to that consumer's identifying information are retrieved and compiled into that consumer's credit report.	Nicodemus Decl. at ¶5.
9. Some subscribers collect consumer information from all three credit reporting agencies and compile the consumer credit information into a single report called a "tri-merge" credit report. TU has nothing to do with the preparation of a tri-merge.	Nicodemus Decl. at ¶ 3.

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
10. In 2003, when more than one consumer's credit information corresponded to the identifying information that was input, Trans Union prepared separate consumer reports and delivered them to the subscriber.	Nicodemus Decl. at ¶6.
11. When Trans Union furnished more than one consumer report to the customer, Trans Union clearly identified the separate reports as potentially belonging to different individuals.	Nicodemus Decl. at ¶6.
12. Trans Union's policy has since been changed and Trans Union no longer delivers more than one file to a customer in response to a request for a consumer's credit report.	Nicodemus Decl. at ¶6.
13. Trans Union's policy is always to investigate a consumer's non-frivolous dispute of reported information, and to correct all inaccuracies brought to its attention.	Nicodemus Decl. at ¶ 7.

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
14. When a consumer submits a legitimate dispute to Trans Union, the dispute is logged and the disputed item and the nature of the dispute are recorded on a consumer dispute verification form (“CDV”), along with the consumer’s name, address, and social security number, if available.	Nicodemus Decl. at ¶ 7.
15. If a consumer disputes the appearance of private creditor information on a credit report, Trans Union transmits the CDV to the creditor with a request for verification and correction, if necessary.	Nicodemus Decl. at ¶ 8.
16. After receiving private creditors’ responses to CDVs, Trans Union reviews the consumer’s disclosure, and makes changes or deletions, as appropriate.	Nicodemus Decl. at ¶ 9.
17. Trans Union then sends an updated disclosure to the consumer advising of the results of the investigation.	Nicodemus Decl. at ¶ 10.
18. On July 24, 2002, Trans Union received a telephone call from Plaintiff.	Nicodemus Decl. at ¶ 11; Bradley Decl., Exhibit I (Plaintiff’s Responses to TU’s Interrogatory No. 7).

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
19. Plaintiff requested her consumer disclosure and requested that Trans Union add a fraud warning to her account.	Nicodemus Decl. at ¶11.
20. In response to Plaintiff's request, Trans Union updated plaintiff's telephone and address information, and added a fraud victim alert to Ms. Rothery's credit file with a four-year expiration date.	Nicodemus Decl. at ¶ 11.
21. Plaintiff did not dispute any accounts with Trans Union at that time. Trans Union mailed a copy of Plaintiff's consumer disclosure to her on the same day.	Nicodemus Decl. at ¶ 11.
22. Between July 24, 2002, and March 10, 2003, Trans Union has no record of receiving any communications from plaintiff.	Nicodemus Decl. at ¶ 12; Bradley Decl., Exhibit I, (Plaintiff's Responses to TU's Interrogatory No. 7).
23. On March 10, 2003, Trans Union received a dispute from plaintiff via Trans Union's website on the internet.	Nicodemus Decl. at ¶ 12; Bradley Decl., Exhibit I (Plaintiff's Responses to TU's Interrogatory No. 7).

<b>UNDISPUTED MATERIAL FACTS</b>	<b>SUPPORTING EVIDENCE</b>
24. Plaintiff disputed the first name of “Samuel” and alias of “Samuel J. Weyer” as not hers and the address of 4400 SE Naef Rd, Apt. 28, in Portland, Oregon. .	Nicodemus Decl. at ¶12.
25. Plaintiff also disputed the ownership of four accounts she believed were appearing on her credit file.  - Capital One #529107137830  - Citifinancial #6073723526106518  - U.S. Bancorp #5708379159; and  - Washington Mutual #54569757.	Nicodemus Decl. at ¶12.
26. In response to plaintiff’s dispute, on March 17, 2003, Trans Union pulled plaintiff’s credit file.	Nicodemus Decl. at ¶13.
27. The “AKA” Samuel Weyer was not appearing on plaintiff’s credit file.	Nicodemus Decl. at ¶ 13.
28. The Capital One account was also not appearing on Plaintiff’s credit file.	Nicodemus Decl. at ¶ 13.
29. The Citifinancial, US Bancorp, and Washington Mutual accounts were not appearing as adverse but instead showed that plaintiff was “paying as agreed.”	Nicodemus Decl. at ¶ 13.

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
30. Plaintiff's March 17, 2003, disclosure also showed that there were three other adverse accounts (collection, late payment, and charge-off) appearing on her credit file. She did not dispute these four derogatory accounts with Trans Union.	Nicodemus Decl. at ¶14.
31. Trans Union sent CDVs to Washington Mutual, Citifinancial, and U.S. Bancorp to reinvestigate the accuracy of the information being reported regarding plaintiff.	Nicodemus Decl. at ¶15.
32. On April 7, 2003, Trans Union completed its investigation. Citifinancial and Washington Mutual did not respond to the CDV within thirty days so Trans Union deleted these accounts.	Nicodemus Decl. at ¶16.
33. Trans Union deleted the U.S. Bancorp account based on the age of the account.	Nicodemus Decl. at ¶16.
34 On April 7, 2003, Trans Union mailed plaintiff a copy of her consumer disclosure reflecting the results of Trans Union's investigation.	Nicodemus Decl. at ¶17.

UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
35. The updated disclosure showed the deletion of three accounts, and that plaintiff's address had also been updated pursuant to her request.	Nicodemus Decl. at ¶17.

DATED: December 1, 2005

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